

REMARKS

Summary of Office Action

Claims 75-78, 81-84, and 87-90 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. U.S. Patent No. 7,185,355 (hereinafter "Ellis"). Each of claims 79-80, 85-86, and 91-92 was objected to as being dependent upon a rejected base claim, but allowable subject matter was indicated.

Statement Under 37 C.F.R. § 1.116(b)(3)

Applicants respectfully request that the amendments presented herein be entered under 37 C.F.R. § 1.116(b)(3). Applicants believe that the proposed amendments place this application in condition for allowance. These amendments were not presented earlier because applicants believed that their previous Reply was a good faith effort to advance the prosecution of this application and that the amendments and arguments presented at that time were sufficient to place the application in condition for allowance. Applicants believe that that constitutes "good and sufficient cause why the [present] amendment is necessary and was not earlier presented."

Telephonic Interview Summary

On April 15, 2009, a telephonic interview took place between the Examiner and the undersigned. The undersigned wishes to thank the Examiner for the courtesies extended during the interview.

During the telephonic interview, undersigned and the Examiner discussed generally the proposed amendments and the patentability of proposed amended independent claims 75, 81, and 87 in view of the prior art of record. The Examiner indicated preliminarily that the proposed amendments would likely make the claims allowable, but

stated that he would further consider the issue upon receipt of applicants' Reply to Final Office Action. Detailed arguments in support of applicants' position are presented below.

Applicants' Reply

Applicants note with appreciation the indication of allowable subject matter in claims 79-80, 85-86, and 91-92.

Applicants have cancelled 79-80, 85-86, and 91-92 without prejudice and have proposed amending independent claims 75, 81, and 87 to incorporate elements that were defined in dependent claims 79-80, 85-86, and 91-92, respectively, which the Examiner indicated would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

As mentioned above, the Examiner indicated preliminarily during the telephonic interview that the proposed amendments would likely make the claims allowable over the prior art of record. Thus, applicants respectfully submit that independent claims 75, 81, and 87, if amended as proposed, would be patentable. Each of dependent claims 76-78, 82-84, and 88-90 would also be patentable at least because it would depend from a patentable independent base claim. Applicants respectfully request entry of the foregoing amendments and withdrawal of the rejection of claims 75-78, 81-84, and 87-90.

Conclusion

In view of the foregoing, applicants respectfully request entry of the above amendments and allowance of this application.

Respectfully submitted,

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